UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

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STERLING SAVINGS BANK,

v.

AIR WISCONSIN AIRLINES

UNITED ENERGY, INC.

CORPORATION

CORPORATION

Plaintiff,

Defendant.

Third Party Plaintiff,

Third Party Defendant.

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No. CV-05-071-FVS

## AIR WISCONSIN AIRLINES ORDER

THE COURT having ordered United Energy, Inc., to explain, by noon on January 13, 2006, why its motion to dismiss (Ct. Rec. 18) should not be denied and why Air Wisconsin Airlines Corporation's motion for attorneys' fees (Ct. Rec. 64) should not be granted; the Court having warned United Energy, Inc., of the consequences of failing to file timely explanations; and United Energy, Inc., having failed to do so; Now, therefore

## IT IS HEREBY ORDERED:

- 1. The motion to dismiss brought by United Energy, Inc., (Ct. Rec. 18) is denied.
- 2. The motion for attorneys' fees brought by Air Wisconsin Airlines Corporation (Ct. Rec. 64) is granted. In granting this motion, the Court finds:
- (a) the amount of time Air Wisconsin's attorneys devoted to seeking the disputed discovery was reasonable, and
- (b) the hourly rates at which the time was billed are reasonable.
- 3. United Energy, Inc., shall pay Air Wisconsin Airlines
  Corporation the sum of fifteen thousand one hundred ten (\$15,110.00)
  dollars.
- 4. The motions to withdraw brought by Louis B. Byrd, Jr., (Ct. Recs. 76, 78) are granted effective 5:00 p.m. on February 3, 2006. Until that time, he will remain counsel of record for United Energy, Inc.
- IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

**DATED** this <u>19th</u> day of January, 2006.

s/ Fred Van Sickle
Fred Van Sickle
United States District Judge